

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HASSAN CHUNN; NEHEMIAH McBRIDE;
AYMAN RABADI, by his Next Friend
MIGDALIZ QUINONES; JUSTIN RODRIGUEZ,
by his Next Friend JACKLYN ROMANOFF;
ELODIA LOPEZ; and JAMES HAIR,

individually and on behalf of all others similarly
situated,

Petitioners,

-against-

WARDEN DEREK EDGE,

Respondent.

No. 20 Civ. 01590

**DECLARATION OF ELODIA
LOPEZ**

Elodia Lopez declares the following under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. My name is Elodia Lopez. I am 55 years old. I am currently incarcerated at the Metropolitan Detention Center where I am serving a 15-month sentence. I arrived here in January 2020. I am scheduled to be released on July 28, 2020.

2. I have a number of medical conditions. I suffer from high blood pressure, high cholesterol, a pituitary condition, and Type II diabetes for which I take insulin. I also take medications for my high blood pressure and cholesterol every day.

3. On many occasions, I have asked the person who comes around to give me insulin if she can check my blood pressure. When I was home, I had my blood pressure checked frequently at a clinic, sometimes every three days. Here, my blood pressure is not checked regularly.

4. I recently had a serious lung infection that was discovered in approximately November 2019, which makes it difficult for me to breathe, causes my throat to close,

and causes me to experience high fever and chills. When I asked for medical care at the MDC, I was given Vitamin D and told to buy medicine to manage the pain. I am supposed to be taking medication for the infection, but I have not received the medicine since I arrived at the MDC four months ago.

5. Recently, I have experienced problems breathing, a stuffy nose, and headache. I also feel depressed and scared.

6. Since the pandemic started, no one has come to my housing unit to take my temperature. No one has asked me if I have any symptoms. The only thing the jail told us about the coronavirus is “keep your distance” from other inmates.

7. I am housed in the women’s dormitory of the MDC. I sleep in an open dormitory in a bunk bed. About one week ago, the officers told us to sleep in the bunk beds alternating “one up, one down.” I share a bathroom, tables, and chairs with other women.

8. One older woman in my dorm, who sleeps only feet away from me, has recently been displaying COVID-19 symptoms. The medical staff took her out of the unit for 20 minutes, and then she returned.

9. I was recently given a mask. I also receive a small bar of soap once a week. I do not have gloves or hand sanitizer. The officers on the unit started to wear gloves and masks about three weeks ago, but they don’t always wear them

10. I heard from staff that a Lieutenant who worked on our unit tested positive for COVID-19. That scared me. But no one came and informed us of this formally or asked us if we had been in contact with him.

11. Inmates in my unit clean our bathroom, the same number of times a week as they did before the coronavirus. Last Friday, a man came into the unit with some very strong

cleaning liquid to clean the floors around the tables where we eat. It was such strong liquid that I coughed a lot.

12. Because of my lung condition, I am sensitive to strong cleaning products and smells. I can't use the product they provide on my locker or my bunk bed, it hurts my lungs too much. I use very hot water and soap to clean my locker and bed instead.

13. We eat our meals in a group around the tables. We pull the mask to our chin to take a bite and then put it back up to our face.

14. I hope to be released soon so I can go live with my daughter.

Executed on: April 28, 2020
Brooklyn, New York

As reported by Elodia Lopez to
Katherine Rosenfeld of Emery Celli
Brinckerhoff & Abady LLP

/s/
Katherine Rosenfeld

Counsel to Elodia Lopez

Exhibit 1

INMATE REQUEST TO STAFF
(RESPONSE)

TO: LOPEZ, Elodia
Reg. No.: 05490-052

DISPOSITION:

This is in response to your email dated March 24, 2020, wherein you request to be considered for a compassionate release pursuant to 18 U.S.C. §3582 and Bureau of Prisons Program Statement 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§3582(c)(1)(A) and 4205(g). You state you have diabetes, high blood pressure, cholesterol, thyroid, and pulmonary conditions.

A review of Program Statement 5050.49, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§3582(c)(1)(A) and 4205(g), indicates you do not meet any of the criteria established in this program statement. Your medical record does not identify any medical conditions to reflect a terminal or debilitated medical condition, as set forth in Program Statement 5050.50. Also, you have not provided any additional evidence or information in support of the request. Accordingly, the request for a compassionate release is denied at this time.

If you are not satisfied with this response, you may appeal through the Administrative Remedy Program.



D. Edge, Warden

4/19/2020

Date